

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOETTE PETE,)	
)	
Movant,)	
)	
v.)	Civil Action No. 3:19-mc-26 (REP)
)	
BIG PICTURE LOANS, et al.,)	
)	
Respondents.)	

LULA WILLIAMS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:17-cv-461 (REP)
)	
BIG PICTURE LOANS, LLC, et al.,)	
)	
Defendants.)	

RENEE GALLOWAY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:18-cv-406 (REP)
)	
BIG PICTURE LOANS, LLC, et al.,)	
)	
Defendants.)	

**MATT MARTORELLO’S MOTION UNDER RULE 30(d) FOR FURTHER
DEPOSITION BASED ON CONDUCT THAT IMPEDED QUESTIONING
AND FOR EXPEDITED RULING¹**

¹ Matt Martorello files this motion and memorandum in case numbers 3:19-mc-26, 3:17-cv-461, and 3:18-cv-406, because the deposition at issue was subject to a motion to quash in case number 3:19-mc-26, but the deposition was for discovery purposes in case numbers 3:17-cv-461 and 3:18-cv-406.

Matt Martorello (“Martorello”), by counsel and pursuant to Rule 30(d) of the Federal Rules of Civil Procedure, moves the Court to enter an order requiring Joette Pete to submit to a further deposition for the limited purpose of answering questions she refused to answer due to actions of Plaintiffs’ counsel to impede the deposition. Martorello further requests that the Court order expedited briefing on this Motion as Pete’s deposition relates to the evidentiary hearing scheduled for July 21 and 22, 2020, in *Williams et al. v. Big Picture Loans, LLC, et al.*, E.D. Va. Civil Action No. 3:17-cv-00461-REP and *Galloway et al. v. Big Picture Loans, LLC*, E.D. Va. Civil Action No. 3:18-cv-406-REP, and require Plaintiffs’ counsel to pay the costs incurred by the filing of this Motion and the additional deposition to occur due to Plaintiffs’ counsel improper interference with the completion of the first deposition. The basis for this motion and the precise relief requested is more fully explained in the supporting memorandum filed contemporaneously herewith.

Respectfully submitted,

MATT MARTORELLO

By: /s/ John M. Erbach

M. F. Connell Mullins, Jr. (VSB No. 47213)

Email: cmullins@spottsfain.com

Hugh McCoy Fain, III (VSB No. 26494)

Email: hfain@spottsfain.com

John Michael Erbach (VSB No. 76695)

Email: jerbach@spottsfain.com

SPOTTS FAIN PC

411 East Franklin Street, Suite 600

Richmond, Virginia 23219

Telephone: (804) 697-2000

Facsimile: (804) 697-2100

Richard L. Scheff (admitted *pro hac vice*)

ARMSTRONG TEASDALE, LLP

2005 Market Street

29th Floor, One Commerce Square

Philadelphia, PA 19103

Telephone: 267.780.2000

Facsimile: 215.405.9070

Email: rscheff@ armstrongteasdale.com

Michelle Lynne Alamo (admitted *pro hac vice*)

ARMSTRONG TEASDALE, LLP

4643 S. Ulster Street, Suite 800

Denver, CO 80237

Telephone: 720.722.7189

Facsimile: 720.200.0679

Email: malamo@armstrongteasdale.com

Counsel for Defendant Matt Martorello

CERTIFICATE OF SERVICE

The undersigned counsel certifies that on this 3rd day of June, 2020, the foregoing was filed using the Court's CM/ECF system, thereby serving a copy on all counsel of record electronically.

By: /s/ John M. Erbach

John M. Erbach (VSB No. 76695)

jerbach@spottsfain.com

SPOTTS FAIN PC

411 East Franklin Street, Suite 600

Richmond, Virginia 23219

Telephone: (804) 697-2000

Facsimile: (804) 697-2100